

-7-

REMARKS

In response to the Office Action mailed January 5, 2005, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks. Applicant prays that, after consideration of these remarks, a favorable decision will be provided regarding the claims. The claims as now presented are believed to be in allowable condition.

Claims 1-24 are pending in this Application. Claims 1 and 14 are independent claims. Claims 1, 14, 15 and 24 are herein amended.

Preliminary Matters

In the Office Action the Examiner stated (at page 2, line 3) that "[C]laims 1-24 represent a method for testing components of a web service". The Examiner has incorrectly characterized the present claims. The present application relates to a method of testing web services as components.

Web services are well known to those of reasonable skill in the art. A web service definition can be found at <http://www.w3.org/TR/2002/WD-wsa-reqs-20020429> , which defines a web service as

"A Web service is a software application identified by a URI, whose interfaces and binding are capable of being defined, described and discovered by XML artifacts and supports direct interactions with other software applications using XML based messages via internet-based protocols"

A web service is described in the specification at page 6, line 19 through page 7, line 2, as follows:

"A Web Service is programmable application logic accessible using standard Internet protocols. Similar to software components, Web Services provide functionality that can be used multiple times and by multiple different applications running on multiple different systems. Web services are accessed via web protocols such as Hypertext Transfer Protocol (HTTP) and by data formats such as Extensible Markup Language (XML). A Web Service interface is defined in terms of messages the Web Service can accept and generate. Users

of the Web Service can be implemented on any platform and in any programming language, as long as they can create and consume the messages defined for the particular Web Service being utilized. “

Thus, a web service is not a service available over a network, but instead is similar to an object oriented software component (e.g. a java bean) that is accessed over a network instead of being locally installed in the application as a java bean would be.

Rejections under §102

Claims 1, 2, 5-10, 12, 14-15, 18-21 and 23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,662,217 to Godfrey et al. (hereinafter Godfrey). Godfrey discloses, in the abstract and at column 1, lines 9-15, that the inventions relates to systems for stress testing server computers (e.g. a Web server) which may be located anywhere on the Internet. Godfrey does not disclose or suggest a web service as described in the specification of the present application and as is well known to those of ordinary skill in the art. Since Godfrey fails to disclose or suggest a web service, Godfrey also fails to disclose or suggest the testing of a web service.

In contrast to Godfrey, claim 1 recites a method of testing a web service as a component (not a Web server). Further claim 1 has been amended to include that the generating of a program to exercise the Web Service is done from the information obtained relating to the Web Service to be tested. Accordingly, claim 1 is believed allowable over Godfrey. Claim 14 has been amended in a similar manner in claim 1 and, for the same reasons is believed allowable over Godfrey. Claim 15 has been amended to depend from claim 14. Claims 2, 5-10, 12, 15, 18-21 and 23 depend from claim 1 or 14 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 1, 2, 5-10, 12, 14-15, 18-21 under 35 U.S.C. §102(e) as being anticipated by Godfrey is believed to have been overcome.

Rejections under §103

Claims 3, 4, 11, 13, 16, 17, 22 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Godfrey in view of U.S. Patent Publication No. 2002/0046239 of Stawikowski et al. (hereinafter Stawikowski). Stawikowski describes, at column 1, paragraph 1, a communication system on the Internet between at least one automation equipment offering one or more automatic control functions and at least one remote device. Godfrey has been described above. Neither of Godfrey nor Stawikowski disclose or suggest testing a Web Service as a component. Further, there is no reason to combine the teachings of Godfrey and Stawikowski, since they are completely unrelated. Even if one were to theoretically combine Godfrey and Stawikowski, the combination fails to suggest the present invention. There is no teaching of testing a web service as a component. Further, claims 3, 4, 11, 13, 16, 17, 22 and 24 depend from claim 1 or 14 and are believed allowable as they depend from a base claim which is believed allowable. Claim 24 has been amended to depend from claim 21. Accordingly, the rejection of claims 3, 4, 11, 13, 16, 17, 22 and 24 under 35 U.S.C. §103(a) as being unpatentable over Godfrey in view of Stawikowski is believed to have been overcome.

Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this

U.S. Application No.: 09/975,398

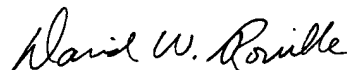
Attorney Docket No.: EMP04-01

-10-

response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



David W. Rouille, Esq.
Attorney for Applicant(s)
Registration No.: 40,150
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 366-9600
Facsimile: (508) 616-9805

Attorney Docket No.: EMP04-01

Dated: March 18, 2005